REMARKS

The Official Action mailed May 8, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 18, 2004; October 24, 2007; April 22, 2008; and October 24, 2008.

Claims 1-31 were pending in the present application prior to the above amendment, of which claims 1-5, 7-9, 11-13 and 23-25 are independent. Claims 2-5, 8, 9, 12, 13 and 15-22 have been withdrawn from consideration by the Examiner. New claims 32-37 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1, 6, 7, 10, 11, 14 and 23-37 are currently elected, of which claims 1, 7, 11 and 23-25 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 8 of the Official Action rejects claims 1, 6, 7, 10, 11, 14, and 23-31 as obvious based on the combination of U.S. Patent No. 6,774,877 to Nishitoba and U.S. Publication No. 2002/0047825 to Yamazaki. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found

either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d.1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claims 1, 7, 11 and 23-25 recite a same semiconductor island. For the reasons provided below, Nishitoba and Yamazaki, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that "Nishitoba et al. fail to disclose the limitation that '*wherein the first transistor and the second transistor share a same semiconductor island*', i.e. the first and second transistors are formed on the same semiconductor layer/island" (emphasis in original), but asserts that Yamazaki '825 teaches a silicon oxide film (102) and that the silicon oxide film "refers to instant claimed semiconductor island" (Paper No. 20090506, pages 5-6). The Applicant respectfully disagrees and traverses the assertions in the Official Action. A silicon oxide film is not a semiconductor island. Yamazaki '825 merely discloses "a silicon oxide film 102 as an underlayer film 102" (¶ [0044]).

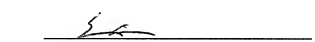
Therefore, the Applicant respectfully submits that Nishitoba and Yamazaki '825, either alone or in combination, do not teach or suggest a same semiconductor island.

Since Nishitoba and Yamazaki '825 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 32-37 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 32-37 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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